

RECEIVED

MAY 29 2007

PUBLIC SERVICE
COMMISSION

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

APPLICATION OF CUMBERLAND CELLULAR)	
PARTNERSHIP FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A CELL SITE (ALLIGATOR) IN RURAL)	2006-00052
SERVICE AREA #5 (RUSSELL) OF THE)	
COMMONWEALTH OF KENTUCKY)	

MOTION TO CANCEL HEARING

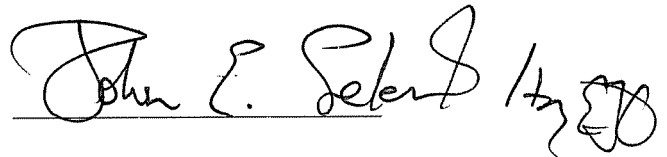
Cumberland Cellular Partnership d/b/a Bluegrass Cellular (“Bluegrass Cellular”), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the “Commission”) to cancel the hearing on the proposed cell site in the above styled matter scheduled for June 12, 2007. Such cancellation is authorized and appropriate pursuant to the Order of the Commission dated May 3, 2007, on the grounds that there no longer remains any intervenor, within the meaning of the order, who is both qualified and desires to appear at the hearing and present evidence against the construction of the proposed cell site.

The Commission’s Order dated May 3, 2007, inter alia, schedules a hearing for June 12, 2007, and further mandates that any intervenor intending to appear at the hearing to present evidence against construction of the proposed cell site shall file a statement of intent within 10 days of the Order. There are four persons who have been granted full intervention in this matter, they are: Carlie and Leda Bowmer, husband and wife, and David and Gabrielle Gnadinger, husband and wife. Only David and Gabrielle Gnadinger, filed a statement of intent to appear, within the 10 day period.

Bluegrass Cellular has since addressed the concerns of David and Gabrielle Gnadinger in full. Pursuant to the attached letter of agreement dated May 24, 2007, David and Gabrielle Gnadinger have agreed, as evidenced by their notarized signatures, to withdraw both their intervention in this matter and their request for a hearing. (Bluegrass Cellular affirmatively states that the deed referenced in the attached letter will be delivered to Mr. and Mrs. Gnadinger on Wednesday, May 30, 2007.) The Gnadingers do not desire to appear at any hearing in this matter. As a result, there no longer remains any intervenor, who is both qualified and desires to appear at the hearing in opposition to the proposed cell site.

WHEREFORE, Bluegrass Cellular respectfully requests the Commission to cancel the hearing in this matter scheduled for June 12, 2007, and that this matter stands submitted to the Commission on the existing record without further order or delay.

Respectfully submitted,

A handwritten signature in black ink, reading "John E. Selent". The signature is written in a cursive style and is positioned above a horizontal line. To the right of the signature, there are some additional scribbles and initials.

John E. Selent
Dinsmore & Shohl LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202
(502) 540-2300
(502) 585-2207 (facsimile)
john.selent@dinslaw.com


**COUNSEL TO: CUMBERLAND
CELLULAR PARTNERSHIP**

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing witness list of Cumberland Cellular Partnership was served upon the following individuals identified below, whom have been granted full intervention in this matter, via First Class United States Mail on the 29th day of May, 2007.

David and Gabrielle Gnadinger
5513 Pico Lane
Louisville, Kentucky 40219

Carlie and Leda Bowmer
8158 E. Del Cuarzo Drive
Scottsdale, Arizona 85258


**COUNSEL TO: CUMBERLAND
CELLULAR PARTNERSHIP**

John E. Selent
502-540-2315
john.selent@dinslaw.com

May 23, 2007

David A. & Gabrielle Gnadinger
5513 Pico Lane
Louisville, Kentucky 40219

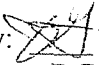


RE: *Application of Cumberland Cellular Partnership for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Alligator) in Rural Service Area #5 (Russell) of the Commonwealth of Kentucky - Case No. 2006-00052*

Dear Mr. and Mrs. Gnadinger:

As you are aware, we are legal counsel to Cumberland Cellular Partnership d/b/a Bluegrass Cellular ("Bluegrass Cellular").

In exchange for: (1) your agreement both to withdraw your intervention in the above styled matter and your request (attached hereto) for a public hearing dated May 9, 2007; and (2) your agreement to take no action whatsoever in any forum, directly or indirectly, to oppose Bluegrass Cellular's construction of the above referenced cellular tower, Bluegrass Cellular will: (a) acquire a certain parcel of real property which we have discussed and cause it to be transferred to you, by quit claim deed, without any cost(s) to you; (b) purchase and erect two (2) 10 foot steel tube agricultural gates, with treated lumber facing, each between two (2) 6" x 6" treated lumber posts, to be located on your property at the agreed upon location; (c) construct a gravel road running from North to South along the entire length of Lot 15, to maintain your continued access to your property, pursuant to the existing easement recorded at Deed Book 65, page 377; and (d) plant two additional evergreen trees, as to act as a buffer at the Northwest corner of Lot 14.

In the event that Bluegrass Cellular is unable, for any reason whatsoever, to acquire the deed referenced at (a) of the preceding paragraph, the terms of this letter shall be void, and of no effect and consequence whatsoever, ab initio, and neither party shall have any liability whatsoever to the other as a consequence thereof.

Initialed by:   
DG GG JES

David A. & Gabrielle Gnadinger

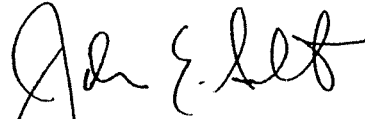
May 23, 2007

Page 2

Please indicate your agreement to the terms of this letter by initialing the first page and signing it below and please have your signatures notarized.

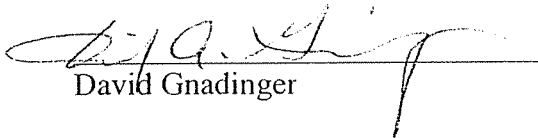
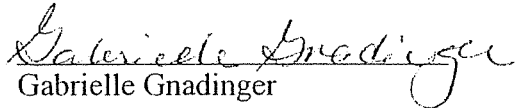
Thank you.

Very truly yours,



John E. Selent

READ AND AGREED TO BY:


David Gnadinger
Gabrielle Gnadinger

COMMONWEALTH OF KENTUCKY

COUNTY OF

Subscribed and sworn to before me this 24 day of May, 2007, by **DAVID and GABRIELLE GNADINGER**, husband and wife.

My Commission expires: 6-30-10


NOTARY PUBLIC

JES/kwi

cc: Beth O'Donnell, Executive Director
Public Service Commission of the
Commonwealth of Kentucky

Dale Wright, Staff Counsel
Public Service Commission of the
Commonwealth of Kentucky

Ron Smith
Scott McCloud
Doug Updegraff

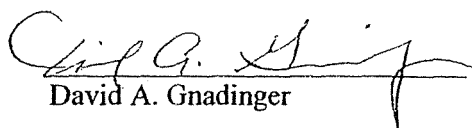
5/9/2007

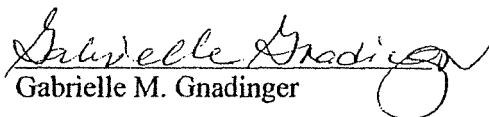
Department of Public Protection
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Ky. 40601

RE: Case #2006-00052

Dear Sir or Madam:

This is to inform you of our intention to appear at the hearing, scheduled June 12, 2007,
in opposition of the proposed Cell Facility.


David A. Gnadinger


Gabrielle M. Gnadinger